HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :11981 of 2004

Dated 25th July, 2007

Between

Mullangi Chandraiah

…Petitioner

and

The District Collector, Khammam, Khammam District and ors

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :11981 of 2004

ORDER:

This Writ Petition is filed questioning the order dated 2-7-2004 in proceedings Rc.No.P2/951/2004 passed by the District Panchayat Officer, Khammam District, disqualifying the petitioner as Sarpanch of Guntupalli Gopavaram Gram Panchayat, in exercise of powers under Section 19(3) of the A.P. Panchayat Raj Act, 1994.

It is specifically pleaded that the impugned order of disqualification dated 2-7-2004 is not preceded by any show cause notice and opportunity to the petitioner.

At the time of admission, this Court by order dated 14-7-2004, suspended the operation of the impugned order dated 2-7-2004 and the said order continued all along.

No counter affidavit is filed on behalf of the respondents controverting the allegation of the petitioner.

It is the specific allegation of the petitioner that unless prior opportunity

or show cause notice is given, no order could have been passed disqualifying the petitioner as Sarpanch of the Guntupalli Gopavaram Gram Panchayat. A perusal of the impugned order indicates that no show cause notice was issued nor any opportunity was afforded to the petitioner before passing the impugned order. As much as the impugned order was passed in violation of the principles of natural justice, the same is liable to be set aside. Accordingly, order dated 2-7-2004 in proceedings Rc.No.P2/951/2004 passed by the second respondent is set aside.

The Writ Petition is allowed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 25-7-2007
Msnr.